

Message Text

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ORIGIN L-03

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FM SECSTATE WASHDC
TO USMISSION OECD PARIS PRIORITY
USMISSION IAEA VIENNA PRIORITY

UNCLAS STATE 069429

E.O. 11652: N/A

TAGS: OECD, NEA

SUBJECT: FURTHER COMMENTS ON PROPOSED MODERNIZATION OF
NEA STATUTE

1. IAN WILLIAMS IN HIS MARCH 18 DISCUSSION WITH STATE,
NRC, AND ERDA LAWYERS, SUGGESTED SOME CHANGES AND DELETIONS
IN USC'S SUGGESTED MODIFICATIONS TO PROPOSED LANGUAGE
UPDATING NEA STATUTE. MISSION REQUESTED TO COMMUNICATE
FOLLOWING TO SECRETARIAT. (COMMENTS ARE KEYED TO NUMBERING
OF NEW DRAFT.)

2. ARTICLE 1: THE UNITED STATES UNDERSTANDS VARIOUS
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STATES' DESIRE EXPRESSLY TO MENTION QTE APPLICATIONS OF
IONIZING RADIATIONS, UNQTE BUT CONTINUES TO BELIEVE THIS
CONCEPT IS INCLUDED IN THE LANGUAGE OF THE CURRENT STATUTE.
IF THE NEED IS FELT TO CONFORM AND MAKE EXPLICIT THE
PRESENT INTERPRETATION, THE US PREFERS TO INSERT THE
INTERPRETATION IN THE MINUTES OF THE STERRING COMMITTEE
MEETING, RATHER THAN TO MODIFY THE STATUTE. THIS APPROACH

WOULD ALSO AVOID REPETITION OF THE PHRASE. (THUS, THE US CONTINUES TO FEEL THE PHRASE SHOULD DELETED IN ARTICLES 4, 5, 7, AND 13.)

3. ARTICLE 6: IT HAS BEEN SUGGESTED THAT ADDITION OF THE SUGGESTED PHRASE WOULD NECESSITATE MODIFICATIONS OF THE SECURITY CONTROL CONVENTION. IN ORDER TO AVOID THIS COMPLEX AND, IN VIEW OF THE PRESENT SUSPENSION OF THE SECURITY CONTROL, USELESS, PROCESS, WE WOULD PROPOSE THE ARTICLE 6(A) END WITH: QTE SHALL NOT FURTHER ANY MILITARY PURPOSE, INCLUDING THE DEVELOPMENT, MANUFACTURE OR PRODUCTION OF ANY NUCLEAR EXPLOSIVE DEVICE. UNQTE.

4. ARTICLE 8: SINCE NONPROLIFERATION IS NOT AN OBJECTIVE OF THE AGENCY, WE AGREE THAT SUBPARA 8(A) (V) READ: QTE CONSISTENT WITH THE NEED FOR PREVENTING THE PROLIFERATION OF NUCLEAR EXPLOSIVE DEVICES, CONTRIBUTE TO THE ELIMINATION OF COMMERCIAL OBSTACLES TO INTERNATIONAL TRADE OR TO DEVELOPMENT OF THE NUCLEAR INDUSTRIES. UNQTE.

5. ARTICLE 15: WE SUGGEST THAT ARTICLE 15(A) END WITH: QTE OFFER, CONSISTENT WITH PARAGRAPHS (B) AND (C) BELOW, TO COOPERATE WITH THEM. UNQTE.

6. WILLIAMS FELT MEMBER STATES OF IAEA MIGHT OBJECT TO INCLUSION OF IDEA OF PROTECTION OF NUCLEAR TRANSPORTS IN ARTICLE 8(A)(II), REFERRING TO PHYSICAL SECURITY, SINCE IAEA DEALS OPERATIONALLY WITH TRANSPORTS. IF IAEA MEMBERS LIKELY TO OBJECT STRONGLY, WE WOULD ACCEPT UNCLASSIFIED

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DELETION OF MENTION OF NUCLEAR TRANSPORTS. (LANGUAGE MAY AT ANY RATE BE SUPERFLOUS ON GROUND THAT PHYSICAL PROTECTION OF NUCLEAR MATERIALS SOMETIMES NECESSARILY COMPREHENDS PROTECTION OF TRANSPORTS.) REQUEST VIEW OF US IAEA MISSION.

7. OECD MISSION SHOULD ASK SECRETARIAT TO MAKE FOLLOWING CHANGES, TO REFLECT PARAGRAPHS 3-5 ABOVE, IN TEXT OF US COMMENTS IN REFTEL WHICH WE ASSUME WILL THEN BE CIRCULATED TO NEA MEMBERS (REFERENCES ARE TO PARAGRAPHS IN TEXT OF US COMMENTS):

-- REFERENCE IN PARAGRAPH 3 "ARTICLES 3, 5, 8 AND 3" SHOULD BE CHANGED TO "ARTICLES 4, 5, 7 AND 13."

-- PARAGRAPH 5 SHOULD END WITH "SHOULD NOT FURTHER ANY MILITARY PURPOSE, INCLUDING THE DEVELOPMENT, MANUFACTURE OR PRODUCTION OF ANY NUCLEAR EXPLOSIVE DEVICE."

-- PARAGRAPH 7 DEALING WITH ARTICLE 8(A)(V), SHOULD
END WITH "CONSISTENT WITH THE NEED FOR PREVENTING THE
PROLIFERATION OF NUCLEAR EXPLOSIVE DEVICES, CONTRIBUTE
TO THE ELIMINATION OF COMMERCIAL OBSTACLES TO INTERNA-
TIONAL TRADE OR TO THE DEVELOPMENT OF THE NUCLEAR
INDUSTRIES."

-- PARAGRAPH 8 SHOULD END "OFFER, CONSISTENT WITH
PARAGRAPHS (B) AND (C) BELOW, TO COOPERATE WITH THEM."

CHRISTOPHER

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